



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/580,278   | 02/28/2007  | Thierry Maniguet     | GER-0819            | 3235             |
| 23413 7590 02/13/2009<br>CANTOR COLBURN, LLP<br>20 Church Street<br>22nd Floor<br>Hartford, CT 06103 |             |                      |                     |                  |
| EXAMINER<br>ANDERSON, AMBER R  |             |                      |                     |                  |
| ART UNIT   |             | PAPER NUMBER         |                     |                  |
| 3765   |             |                      |                     |                  |
| NOTIFICATION DATE  |             | DELIVERY MODE        |                     |                  |
| 02/13/2009   |             | ELECTRONIC           |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

# Office Action Summary

**Application No.**

10/580,278

**Applicant(s)**

MANIGUET, THIERRY

**Examiner**

AMBER R. ANDERSON

**Art Unit**

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's amendment filed October 10, 2008 has been reviewed and considered. Claims 1-8 are currently pending of which Claim 1 has been amended. The amendments to the drawings overcome the objection raised in the April 10, 2008 Office Action.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeBaene et al. (USPN 6,108,819) in view of Warner et al. (USPN 6,751,804) further in view of Chung (USPN 5,575,010).**

Regarding Claim 1, DeBaene et al. disclose a pair of pants (10) comprising a reinforced outer area (34) covering the whole of the knee area (Fig. 1). DeBaene further discloses that it would be beneficial to provide the knee area with padding (Col. 4, lines 24-32). DeBaene et al. do not disclose pockets on the interior of the pants legs and attachment strips to form a hem on the pants legs. Warner et al. teach a pair of

pants (10) with at least two pockets at two different heights on each leg (26, 28, 30, 32, 34, 36; Fig. 2-5) and each pocket being capable of housing a knee protector (Fig. 3) to protect the wearer's knees while kneeling and to allow adjustability in the height of the knee pads depending on the height of the wearer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the pants of DeBaene et al. with a knee pad assembly, as taught by Warner et al., to protect the wearer's knees while kneeling and to allow adjustability in the height of the knee pads depending on the height of the wearer. Further it can be seen by Fig. 1 of DeBaene et al. and Fig. 1 of Warner et al. that the combination of the reinforced outer area and knee pads would provide for a reinforced area covering at least one pocket of the knee pad assembly of Warner et al.

The combination of DeBaene et al. and Warner et al. disclose the invention substantially as claimed above. However, they do not disclose attachment strips to form a hem on the pants legs. Chung teaches a pair of pants (1) wherein at an end of each leg (12), an attachment strip of a first type (123) and at least two attachment strips of a second type (111, Fig. 4 & 5) set back from the end of each leg such that the end of each leg can be folded back to form a hem, the attachment strip of the first type becoming fastened to one of the attachment strips of the second type (Fig. 5) so that the wearer can adjust the length of each leg to suit his or her needs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the combination garment of DeBaene et

al. and Warner et al. with attachment strips to form a hem on the pants legs, as taught by Chung, so that the wearer can adjust the length of each leg to suit his or her needs.

Regarding Claim 2, Chung discloses wherein the attachment strips are positioned substantially parallel to an end opening in the leg of the pants (Fig. 4 & 5).

Regarding Claim 3, Chung discloses wherein the attachment strips are located on an inside face of each leg of the pants (Fig. 5).

Regarding Claim 4, Warner et al. disclose wherein at least one of said pockets is positioned on an inside of the leg of the pants (Fig. 4)

Regarding Claim 8, Chung discloses wherein the attachment strips of a first and second type are male and female textile attachment strips with hooks and loops, respectively (Col. 2, lines 9-19).

**3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeBaene et al. (USPN 6,108,819), Warner et al. (USPN 6,751,804), and Chung (USPN 5,575,010) in view of Newman (USPN 2,236,693).**

The combination of DeBaene et al., Warner et al., and Chung disclose the invention substantially as claimed above. Chung further discloses an adjustable waistband assembly. The combination of DeBaene et al., Warner et al., and Chung do

not disclose wherein said pants have a belt comprising, at both ends, two belt attachment strips of a first type designed to attach on to two waist attachment strips, respectively of a second type located on the waist of the pants. Newman teaches a pair of pants (27) having two belt attachment strips of a first type (13', 14') designed to attach on to two waist attachment strips of a second type (28, 15') located on the waist of the pants (Fig. 5) to allow the wearer to loosen or tighten the waist portion of the pants to a desired comfort level.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the combination garment of DeBaene et al., Warner et al., and Chung with a waistband adjustment assembly, as taught by Newman, to allow the wearer to loosen or tighten the waist portion of the pants to a desired comfort level.

**4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeBaene et al. (USPN 6,108,819), Warner et al. (USPN 6,751,804), Chung (USPN 5,575,010), and Newman (USPN 2,236,693) in view of Klaproth (USPN 3,784,986).**

The combination of DeBaene et al., Warner et al., Chung, and Newman disclose the invention substantially as claimed above. Newman further discloses a loop (18) extending at least a portion of the way around the waistband to hold the belt (Fig. 1 & 2). Newman does not disclose wherein said pants comprise a loop extending across an entirety of the back of the waist, to hold the belt. Klaproth teaches a pair of pants (1)

with a loop (2) that extends across an entirety of the back of the waist (Fig. 1) to hold the belt.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the loop of the combination garment of DeBaene et al., Warner et al., Chung, and Newman extend across an entirety of the back of the waist, as taught by Klapproth, as a simple substitution of one known loop element for another to yield the predictable result of holding the belt in place on the pants.

**5. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeBaene et al. (USPN 6,108,819) in view of Kirven (USPN 6,014,771) further in view of Chung (USPN 5,575,010).**

Regarding Claim 1, DeBaene et al. disclose a pair of pants (10) comprising a reinforced outer area (34) covering the whole of the knee area (Fig. 1). DeBaene further discloses that it would be beneficial to provide the knee area with padding (Col. 4, lines 24-32). DeBaene et al. do not disclose pockets on the interior of the pants legs and attachment strips to form a hem on the pants legs. Kirven teaches a pair of pants (10) with at least two pockets (16, 30) at two different heights on each leg (Fig. 1) and each pocket being capable of housing a knee protector (Col. 2, line 54-58 and wherein the pocket 16 is capable of housing a knee protector) to protect the wearer's knees while kneeling and to allow storage of the knee pads when not in use.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the pants of DeBaene et al. with a knee

pad assembly, as taught by Kirven, to protect the wearer's knees while kneeling and to allow storage of the knee pads when not in use. Further it can be seen by Fig. 1 of DeBaene et al. and Fig. 1 of Kirven that the combination of the reinforced outer area and knee pads would provide for a reinforced area covering at least one pocket of the knee pad assembly of Kirven

The combination of DeBaene et al. and Kirven disclose the invention substantially as claimed above. However, they do not disclose attachment strips to form a hem on the pants legs. Chung teaches a pair of pants (1) wherein at an end of each leg (12), an attachment strip of a first type (123) and at least two attachment strips of a second type (111, Fig. 4 & 5) set back from the end of each leg such that the end of each leg can be folded back to form a hem, the attachment strip of the first type becoming fastened to one of the attachment strips of the second type (Fig. 5) so that the wearer can adjust the length of each leg to suit his or her needs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the combination garment of DeBaene et al. and Kirven with attachment strips to form a hem on the pants legs, as taught by Chung, so that the wearer can adjust the length of each leg to suit his or her needs.

Regarding Claim 5, Kirven discloses wherein at least one of said pockets has a reclosable opening (38, 39).



***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **AMBER R. ANDERSON** whose telephone number is (571) 270-5281. The examiner can normally be reached on **Mon-Thur, 8am - 6pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AMBER R ANDERSON/  
Examiner, Art Unit 3765

February 10, 2009

/Gary L. Welch/  
Supervisory Patent Examiner, Art Unit 3765